IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINETEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 292 of 2005

Between:

Mullapudi Subbarao S/o.Surranna
P.Rajavaram , Jeelugumilli (M),

..... PETITIONER

AND

1 The Agent to Govt. of A.P., Tribal Welfare District Collector
2 The Mandal Revenue Officer Jeelugumilli,

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction in the nature of writ of Mandamus declaring the action of the 1st respondent not passing orders in stay petition in appeal with regard to Ac.12-40cts in RS No.1/1p situated at P.Rajavaram of Jeelugumilli Mandal West Godavari Dist is illegal, arbitrary and violative of principles of natural justice and to pass such orders.

Counsel for the Petitioner:MR.NARAM.NAGESWARA RAO

Counsel for Respondents: GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

The petitioner claims to be absolute owner of land admeasuring Ac.12.40 cents in survey No.1/1p, P.Rajavaram village, Jeelugumilli mandal, West Godavari, having purchased the same by his father vide registered sale deed dated 12-4-1960 from a non tribal. The petitioner also claims that he is possession of the said land and cultivating the same. While the things stood thus, the Special Deputy Collector (Tribal Welfare), Polavaram initiated proceedings vide S.R.No.490/2001 against the petitioner and allowed the claim and passed eviction orders on
18-12-2004. Questioning the said order, the petitioner preferred an appeal together with an application seeking interim orders, before the Agent to Government/District Collector, under Rule 3 (A) of the A.P.Schedule Areas Land Transfer Regulations, Act 1 of 1959.

Learned counsel for petitioner submitted that, pending consideration of the appeal, without passing any orders on the interlocutory application filed by the petitioner, the respondents are trying to evict the petitioner from the subject land and distribute the same on the occasion of Republic Day on 26-1-2005. It is also stated that the second respondent is obstructing the agricultural operations and threatening to dispossess the petitioner from the subject land.

Heard the learned counsel for petitioner and learned Government Pleader for Revenue. Both Counsel agreed for disposal of the writ petition at the admission stage.

Since the statutory appeal filed by the petitioner against the impugned order dated 18-12-2004 is pending before the first respondent/District Collector, I deem it appropriate to dispose of the writ petition directing the first respondent to pass appropriate orders on the interlocutory application filed by the petitioner, in accordance with law, expeditiously. Till such orders are passed on the interlocutory application, the respondents are directed not to evict the petitioner from the subject land.

Subject to above orders, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

19TH JANUARY, 2005

TVK

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Agent to Govt. of A.P., Tribal Welfare District Collector
2 The Mandal Revenue Officer Jeelugumilli,

3.2CCs to Government Pleader for Revenue, High Court buildigns, Hyderabad (OUT)

4.2CD copies

5.2CCs to

*Form-NIC-OGS/WP{**MVK**}*